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8 **BEFORE THE**
9 **BOARD OF PHARMACY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 3725

13 **LANA LIN, A.K.A., LANA LIMON**
14 **Lana Lin, a.k.a., Lana Limon**
2192 E. Rush Ave.
Fresno, CA 93730
15 **Pharmacist License No. RPH 54092**

ACCUSATION

Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
20 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

21 2. On or about September 10, 2002, the Board of Pharmacy issued Pharmacist License
22 Number RPH 54092 to Lana Lin, a.k.a., Lana Limon (Respondent). The pharmacist license was
23 in full force and effect at all times relevant to the charges brought herein and will expire on June
24 30, 2012, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Pharmacy (Board), Department of
27 Consumer Affairs, under the authority of the following laws. All section references are to the
28 Business and Professions Code unless otherwise indicated.

1 4. Section 4301 of the Code states in pertinent part:

2 "The board shall take action against any holder of a license who is guilty of unprofessional
3 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.

4 Unprofessional conduct shall include, but is not limited to, any of the following:

5 "(b) Incompetence.

6 "(c) Gross negligence.

7

8 "(l) The conviction of a crime substantially related to the qualifications, functions, and
9 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
10 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
11 substances or of a violation of the statutes of this state regulating controlled substances or
12 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
13 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
14 The board may inquire into the circumstances surrounding the commission of the crime, in order
15 to fix the degree of discipline or, in the case of a conviction not involving controlled substances
16 or dangerous drugs, to determine if the conviction is of an offense substantially related to the
17 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
18 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
19 of this provision. The board may take action when the time for appeal has elapsed, or the
20 judgment of conviction has been affirmed on appeal or when an order granting probation is made
21 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
22 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
23 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
24 indictment."

25 5. Section 490 of the Code provides, in pertinent part, that a board may suspend or
26 revoke a license on the ground that the licensee has been convicted of a crime substantially
27 related to the qualifications, functions, or duties of the business or profession for which the
28 license was issued.

6. Section 118, subdivision (b), of the Code provides that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Conviction of a Substantially Related Crime)

8. Respondent is subject to disciplinary action under sections 490 subdivision (a) and 4301 subdivision (l) in that on or about July 20, 2009, in the case known as *People v. Lin*, Case No. M09911427, Fresno County Superior Court, she was convicted on a plea of nolo contendere of violating Vehicle Code section 23152 subdivision (a) (driving under the influence). The circumstances are that on December 11, 2008, Respondent was driving while under the influence of excessive amounts of dextromethorphan, an over the counter cough suppressant. The amount detected in Respondent's blood was .83 mg./L, an amount more than 20 times greater than the effective level of the drug. While under the influence, Respondent was spotted driving erratically and failing to yield to an emergency vehicle, while she was driving to work.

SECOND CAUSE FOR DISCIPLINE

(Use of Dangerous Drugs in a Manner Dangerous to Self and Others)

9. Respondent is subject to disciplinary action under section 4301 subdivision (h) in that on or about December 11, 2008, Respondent was driving while under the influence of excessive amounts of dextromethorphan, as described in Paragraph 8, above, putting herself and others in danger by driving erratically and failing to yield to an emergency vehicle.

THIRD CAUSE FOR DISCIPLINE

(Incompetence)

10. Respondent is subject to disciplinary action under section 4301 subdivision (b) in that on or about March 22, 2009 she worked as a pharmacist while impaired, most likely due to a

1 combination of psychological problems and prescription drugs, to an extent that she engaged in
2 odd and irrational behavior, and was unable to safely perform the duties of a pharmacist.

3 FOURTH CAUSE FOR DISCIPLINE

4 (Gross Negligence)

5 11. Respondent is subject to disciplinary action under section 4301 subdivision (c) in that
6 on or about March 22, 2009 she worked as a pharmacist while impaired, most likely due to a
7 combination of psychological problems and prescription drugs, to an extent that she engaged in
8 odd and irrational behavior, and was unable to safely perform the duties of a pharmacist.

9 PRAYER

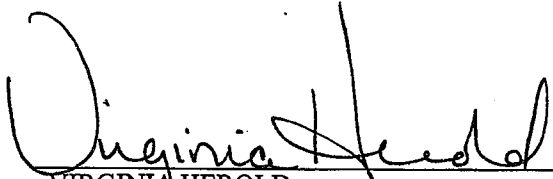
10 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
11 and that following the hearing, the Board of Pharmacy issue a decision:

12 1. Revoking or suspending Pharmacist License Number RPH 54092, issued to Lana Lin,
13 a.k.a., Lana Limon

14 2. Ordering Lana Lin, a.k.a., Lana Limon to pay the Board of Pharmacy the reasonable
15 costs of the investigation and enforcement of this case, pursuant to Business and Professions
16 Code section 125.3;

17 3. Taking such other and further action as deemed necessary and proper.

18
19
20 DATED: 11/9/11


21 VIRGINIA HEROLD
22 Executive Officer
23 Board of Pharmacy
24 Department of Consumer Affairs
25 State of California
26 Complainant

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